

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

CHRISTOPHER ROBERT REECE,

Defendant-Appellant.

UNPUBLISHED

April 23, 2009

No. 281661

Kalamazoo Circuit Court

LC No. 07-000091-FC

Before: Borrello, P.J., and Murphy and M. J. Kelly, JJ.

PER CURIAM.

Defendant appeals as of right his jury conviction for armed robbery. See MCL 750.529. The trial court sentenced defendant to serve 10 to 30 years in prison for the conviction. On appeal, defendant's sole claim of error is that there was insufficient evidence to convict him of aiding and abetting the robbery at issue. We conclude that there was sufficient evidence to support his conviction. For that reason, we affirm.

For a sufficiency of the evidence claim, this Court reviews the evidence de novo in the light most favorable to the prosecution to determine whether any rational trier of fact could find that the essential elements of the crime were proved beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 513-514; 489 NW2d 748 (1992), amended 441 Mich 1201 (1992). When reviewing the sufficiency of the evidence, this Court must "draw all reasonable inferences and make credibility choices in support of the jury verdict." *People v Nowack*, 462 Mich 392, 400; 614 NW2d 78 (2000).

A person "who counsels, aids or abets in the commission of an offense may be tried and convicted as if he had directly committed the offense." *People v Palmer*, 392 Mich 370, 378; 220 NW2d 393 (1974). In order to establish that a defendant aided and abetted a crime, the prosecution must present evidence that "(1) the crime charged was committed by the defendant or some other person; (2) the defendant performed acts or gave encouragement that assisted the commission of the crime; and (3) the defendant intended the commission of the crime or had knowledge that the principal intended its commission at the time that [the defendant] gave aid and encouragement." *People v Carines*, 460 Mich 750, 757-758; 597 NW2d 130 (1999) (quotation and citation omitted). Defendant's state of mind as an aider and abettor "may be inferred from all the facts and circumstances. Factors that may be considered include a close association between the defendant and the principal, the defendant's participation in the planning or execution of the crime, and evidence of flight after the crime." *Id.* at 757-758.

There was sufficient evidence to enable a rational trier of fact to conclude beyond a reasonable doubt that defendant aided and abetted Calvin Green and Marco Brown in the commission of the armed robbery. Brown and Green indicated that defendant talked about robbing Déjà Vu, provided Green with the gun, and encouraged Green to commit the robbery. There was also evidence that defendant assisted in the armed robbery by arranging transportation and helping to dispose of evidence after the fact. Defendant instructed the driver where to go and park. He also informed Brown and Green where the car would be after the robbery. There was also evidence that defendant entered the club shortly before Brown and Green, found out that the club was closing, and then conferred with Brown and Green before they entered and robbed the club's occupants at gunpoint. In addition, defendant's close association with Green and Brown is further evidence that defendant aided and abetted them in committing the armed robbery. *Id.* at 758. Defendant's state of mind may also be inferred by the fact that he fled with Green and Brown after the robbery. *Id.* After Green and Brown left Déjà Vu, the security guard ran and yelled after them; defendant nevertheless stayed in the getaway vehicle with Green and Brown, and he appeared to be nervous and "just kept telling [the driver] to go." Defendant helped dispose of clothing and the gun at a nearby factory, and told Green and Brown that he would meet up with them later before he departed on foot. Although defendant argues that he only wanted to enter the club without paying, he tried to persuade Green and Brown not to rob the club, and he did not want anything to do with what transpired, the jury heard defendant's testimony and determined that it was not credible. Issues of witness credibility are for the jury to resolve. *Wolfe, supra* at 514-515.

Affirmed.

/s/ Stephen L. Borrello
/s/ William B. Murphy
/s/ Michael J. Kelly